



4545 Northwestern Drive | Zionsville, IN 46077
OFFICE 317.363.2400 | FAX 317.363.2257 | schuckitLAW.com

June 1, 2011

VIA ELECTRONIC FILING AND HAND DELIVERY

Honorable Joseph C. Spero
United States District Court of
Northern District of California
San Francisco Courthouse, Courtroom A-15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: Kamlesh Banga vs. Trans Union, LLC, et al.
U.S. District Court, Northern District of California (Oakland)
Case No. 3:10-cv-04758-MMC

Dear Magistrate Judge Spero:

Trans Union, LLC (“Trans Union”) hereby requests that its party representative, Dan Halvorsen, be excused from personally attending the June 20, 2011 Settlement Conference in the above-referenced matter.

Mr. Halvorsen is located in Chicago, Illinois. Consequently, his in-person attendance at the Settlement Conference would involve significant travel. The time and expense necessary to secure the personal attendance of Mr. Halvorsen would create substantial hardship on Trans Union, especially in light of the low amount in controversy in this matter and Plaintiff’s refusal to provide complete discovery.

Plaintiff’s claims against Trans Union are based on her allegations that Trans Union provided a company with her consumer report without a permissible purpose and sold her name and address to a third party after she had elected to opt-out of promotional mailings. In her Amended Complaint, she states that she seeks actual, compensatory, statutory and punitive damages. However, as Plaintiff has produced no evidence that Trans Union’s alleged wrongful action were willful, her potential recovery is limited to actual damages and costs. Attorney’s fees are not applicable because Plaintiff is proceeding *pro se*.

Despite Trans Union’s many attempts to secure complete discovery, Plaintiff has produced no evidence of actual damages. At most, she has stated in her discovery responses that she estimates she has suffered monetary damages in the amount of \$130 and physical, mental and/or emotional distress. Plaintiff does not contend that her alleged physical, mental and/or emotional distress ever required medical attention of any kind.

The expense necessary for Mr. Halvorsen to personally appear at the Settlement Conference would far exceed the amount in controversy in this matter. Moreover, Trans Union is doubtful

Magistrate Judge Spero
June 1, 2011
Page 2

that Plaintiff intends to engage in good faith negotiations at the Settlement Conference in light of her refusal to provide Trans Union with a settlement demand despite three requests and her refusal to provide complete discovery in this matter. Trans Union has no choice but to file a Motion To Compel Discovery as a result of Plaintiff's refusal to provide basic information regarding the nature and basis of her claims against Trans Union and her alleged damages.

Undersigned counsel will personally appear at the June 20, 2011 Settlement Conference with substantial authority to negotiate a settlement in this matter. Mr. Halvorsen, or another party representative with full authority, can be immediately available by phone for the entire duration of the Settlement Conference.

Based on the foregoing, Trans Union requests that its party representative be excused from personally attending the June 20, 2011 Settlement Conference.

Very truly yours,

SCHUCKIT & ASSOCIATES, P.C.



Karen Butler Reisinger

KBR/SLD

cc: Kamlesh Banga, *pro se* Plaintiff
via U.S. Mail and E-Mail

Dated: June 3, 2011

